

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

GABRIEL MASSEY-SMITH,

Plaintiff, : No. 18-CV-0033 (JPO) (OTW)

-against- : **ORDER OF SERVICE**

CAPTAIN O'HARA, et al.,

Defendants. :

ONA T. WANG, United States Magistrate Judge:

The Court has reviewed the New York City Law Department's July 9, 2021 letter (ECF 121). The New York City Law Department, counsel for defendants Camacho and O'Hara, requests a stay of the deadline for defendants Camacho and O'Hara to file their anticipated motion to dismiss Plaintiff's operative Fourth Amended Complaint ("FAC") (ECF 64) and provides an additional response to the Court's February 19, 2021 Valentin Order (ECF 100), which directed the New York City Law Department to identify Officers Camacho, Williams, and Blake, as well as former Captain O'Hara.

Defendants Camacho and O'Hara have waived service and their anticipated motion to dismiss is currently due July 14, 2021. (ECF 120). On April 20, 2021, the New York City Law Department indicated that it remained unable to identify Officer Blake and Williams, who allegedly were present in "9 Mod B" at the Anna M. Kross Center on January 9, 2015 when Plaintiff was allegedly assaulted by other inmates. (FAC ¶¶ 24-38, 55-61; ECF 108). However, the New York City Law Department now states that it has identified an "Officer Williams" and an "Officer Blades" who, on January 10, 2015, worked in "9 Mod A" where Plaintiff was "involved

in an inmate altercation,” according to documentation completed by Officer Blades. (ECF 121 at 2). Plaintiff’s FAC and April 27, 2021 letter indicate that he was not treated for injuries related to the alleged assault until 2:30 a.m. on January 10, 2015. (FAC ¶ 39-40; ECF 111 at 1, 3).

Based on the Court’s review of the FAC, as well as of ECF 111 and ECF 121, and in the interest of judicial efficiency, the Clerk of Court is respectfully directed to amend the caption to replace defendant “Officer Blake” with “Officer Blades.” The Court requests that Officers Williams and Blades waive service of summons. The deadline for defendants Camacho and O’Hara to file their motion to dismiss is adjourned *sine die*. By August 6, 2021, the New York City Law Department shall file a status letter regarding whether it will be representing defendants Williams and Blades and proposing an updated briefing schedule related to any anticipated motion(s) to dismiss.

The Clerk of Court is also directed to notify the New York City Department of Correction and the New York City Law Department of this Order, mail a copy of this Order to Plaintiff, and close ECF 121 and 123.

SO ORDERED.

Dated: July 13, 2021
New York, New York

s/ Ona T. Wang
Ona T. Wang
United States Magistrate Judge